

## REMARKS

Claims 1-8 are pending in the application.

The clarification provided by the Examiner in the Action of 8/23/2004 is appreciated.

Claims 1, 2, 7 and 8 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Vargo et al. (Vargo) in view of Haeggstrom.

Vargo - Haeggstrom

Applicant requests reconsideration for at least the following reasons:

The Office Action makes clear in the Examiner's Fig. The Gateway 10A changing the codec for expansion/compression in order for Terminal A and Terminal B to communicate.

The teachings of Vargas make clear that the codec architecture enables a dynamic change of codec from packet to packet in the same voice data stream in order to adapt to changing network conditions.

The change of codec operates concurrently with a change in other factors including the level of redundancy of the error correction, the packet size and packet bundling. The architecture thereby seeks to attain the best speech quality and lowest latency given the level of data loss over the Internet detected by the system.

Applicant agrees that both ends of the exchange must be able to understand each other. But applicant submits that there is a difference because Vargas judges and selects based on the ability to understand end to end and because of the changing network conditions.

In contrast applicant is claiming: "judging whether the compression form set by said setting section coincides with the compression form of the compressed data received from the circuit switched network or not," and, passing through the compressed data received from the circuit switched network when the compressed forms are judged to coincide. Thus being able to avoid double compression.

The Examiner admits that Vargo is not clear on selecting a codec based on the type of codec at the receiving end (bottom page 3 of Office Action). The Examiner points to the need for end to end communication, which applicant appreciates, however nowhere was it found in Vargo concerning passing though packets if it is judged that the set compression form is the same as that received from the circuit switched network. Applicant submits that not only is Vargo unclear on the issue of selecting a code but that Vargo fails to teach the feature of judging and passing through.

The Office Action does point to TFO as providing/supporting this feature as provided in Haeggstrom. The Tandem Free Operation is the configuration of a connection with two transcoders that support the TFO protocol and whose external coding schemes are compatible, thus enabling compressed speech to pass between them. Haeggstrom describes TFO as the gateway receiving a TFO frame and forwarding as is. There does not appear to be any other description other than the general statement of TFO.

Thus Haeggstrom does not provide a description of the judging and then passing through as recited in applicant's claims. The TFO provides for passing through a TFO frame and an end unit understanding the other end unit supports TFO and the coding schemes are compatible.

However there is no description of judging whether the compression form set by said setting section coincides with the compression form of the compressed data received from the circuit switched network or not, and, passing through the compressed data received from the circuit switched network when the compressed forms are judged to coincide. Thus being able to avoid double compression.

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Claims 1-8 are now also rejected under 35 U.S.C. §102 as being anticipated by Shaffer et al. (6,324,409). The Office Action refers to col. 7-8 of Shaffer et al. as teaching both a circuit-switched network and a packet-switched network where intermediate devices are aware of all the other devices on the network.

Applicant's "judging section" is referenced to step 512 of Shaffer and 6b to indicate no coding. It is submitted that Shaffer describes no coding and does not teach the feature of judging and passing though as pointed out above. Additionally in step 512, it is disclosed "Gateway X receives Q and determines an end-to-end coding scheme". Applicant's submit that "Q" is message for informing station's capabilities (column 7, lines 65 to column 8, line 19) and does not disclose the judging of the input compression compared to the set compression.

With regard to no compression, specifically Shaffer states: If none of the stations have the capability to perform the retrieved preferred coding method (step 610), then it is determined whether the telecommunication transmission can be sent with only the retrieved preferred coding method and uncompressed codes (step 614).....

If, however, this retrieved preferred coding method is the last preferred coding method on the list of preferred coding method (step 650), then the stored results are analyzed and it is determined whether a result exists which allow a transmission of a call with no transcoding (step 654). If there is a result which allows the call to be performed with no transcoding, then that result is selected for the call (step 656). If, however, there is no result which allows the call to be performed without transcoding (step 654) then a result which performs the call with a minimum number of transcodings is selected (step 658).

Schaffer judges whether transcoding can occur and if not then does not transcode. In contrast applicant's claims if the compression form set by said setting section coincides with the

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compression form of the compressed data received from the circuit switched network, and, passing through the compressed data received from the circuit switched network when the compressed forms are judged to coincide.

It is respectfully submitted the cited reference fails to teach these features.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. The Examiner is invited to telephone the undersigned attorney at the number listed below prior to issuing a further Action in order to further prosecution.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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